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 RON HUPPERT and JAVIER SALGADO

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

| | | |
|---------------------------------|---|--------------------------------------|
| RON HUPPERT and JAVIER SALGADO, |) | No. C-05-1433-JL |
| |) | |
| Plaintiffs, |) | [Proposed] ORDER GRANTING |
| |) | PLAINTIFFS LEAVE TO FILE |
| v. |) | SUPPLEMENTAL BRIEF |
| |) | |
| CITY OF PITTSBURG, et al., |) | |
| |) | |
| Defendants. |) | |

On August 29, 2006, the California Court of Appeal issued a decision, *McRae v. Department of Corrections* (06 CDOS 8091). On August 30, 2006, counsel for the parties in this action appeared and argued the defense motions for summary judgment/adjudication. Neither side addressed the *McRae* decision at oral argument. After oral argument, the Court took the matter under submission.

On September 7, 2006, Defendants herein filed a two-page letter brief, arguing the *McRae* decision and its applicability to this case. Defendants did not file a “Statement of Decision, containing only a citation and providing a copy of the new opinion – without argument,” as required by local rules.

On September 8, 2006, Plaintiffs requested that they be allowed to file a similar brief, in the form of a two-page letter, addressing the *McRae* decision and its relative impact to the record

1 before the Court in this case, on or before September 13, 2006.

2 Good cause appearing, it is hereby ordered as follows:

3 Plaintiffs may file a letter brief, not to exceed two pages, addressing the *McRae* decision
4 and its impact to the record before the Court in this case, on or before September 13, 2006.

5 **IT IS SO ORDERED.**

6
7 Date: Sept 12, 2006

